

Exhibit 1

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**IN RE: NATIONAL COLLEGIATE
ATHLETIC ASSOCIATION STUDENT-
ATHLETE CONCUSSION LITIGATION**

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MDL No. 2492

Master Docket No. 1:13-cv-09116

Judge John Z. Lee

Magistrate Judge M. David Weisman

**SECOND DECLARATION OF RACHEL CHRISTMAN
REGARDING NOTICE PROGRAM EXPENSES**

I, Rachel Christman, hereby declare and state as follows:

1. I am employed as Senior Project Manager by Gilardi & Co. LLC (“Gilardi”), a KCC Class Action Services company. Gilardi has been retained to administer the Notice Program in this matter. I submit this declaration to provide additional detail on costs incurred in the Notice program to date and projected costs through completion of Gilardi’s administration of the case.

2. The April 14, 2015 Declaration of Alan Vasquez (“April 2015 Vasquez Declaration”) outlined three possible direct notice scenarios: (1) Scenario 1 assumed direct notice via USPS mail to 2.9 million individuals and estimated a total cost of \$1,465,636; (2) Scenario 2 assumed direct notice via USPS to 2.9 million individuals as well as email notice to 1.45 million individuals (assuming 50% of the individuals would also have an email address available) and estimated a total cost of \$1,489,927; and (3) Scenario 3 assumed direct notice via USPS to 4.2 million individuals but no email notice and estimated a total cost of \$1,769,137. As the approved Notice Plan ultimately included both USPS and email notice, the current administration expenses most closely follow Scenario 2, and this is the estimate to which the incurred administration expenses and projected administration expenses are compared in this

declaration.

3. As set forth in greater detail below, the updated total estimated costs of the Notice program are \$2,135,380.21, an increase of \$635,380.21 over the amount estimated in the April 2015 Vasquez Declaration Scenario 2. The total estimated costs include (1) the total cost of implementing the Phase 1 Media Campaign (\$291,718), (2) incurred direct notice and administration costs for the period August 24, 2014 through January 20, 2017 (the “Covered Period”) (\$1,001,012.73) and (3) projected direct notice and administration costs beginning January 21, 2017 through Gilardi’s completion of administration on this matter (\$842,649.49). A chart setting forth further detail on the incurred and projected direct notice and administration costs is attached as Exhibit A hereto. The total estimated costs include approximately \$250,624.98 in costs for tasks that were not addressed in the April 2015 Vasquez Declaration.¹

4. The actual and projected costs of the Notice program have increased over the amounts in the April 2015 Vasquez Declaration, as Gilardi has received significantly more usable contact information from NCAA member schools than was anticipated in April 2015. On January 9, 2017, Gilardi sent postcard notice to 2,177,545 physical addresses (“First Round Postcard Mailing”) and to 997,906 email addresses (“First Round Email Notice”). Gilardi has continued to receive Settlement Class Member contact information from NCAA member schools in response to subpoenas that Class Counsel served in December 2016 and January 2017, and will send a second round of direct notice via postcard (“Second Round Postcard Mailing”) and via email (“Second Round Email Notice”).

¹ These costs are approximately \$351,179.75 less than estimated in my December 23, 2016 declaration (“December 2016 Declaration”) due to a clarification of the estimated volumes. My December 2016 Declaration included projected volumes based on trends from similar projects handled by Gilardi. In preparation for this Declaration, these projection calculations were adjusted to refer specifically to data from this project where possible, allowing for more specific projections.

5. In April 2015, we estimated that approximately 2,900,000 Settlement Class Members would receive direct notice via U.S. mail and 1,450,000 by email. See Vasquez Decl. (Dkt. #162) at Ex. 6. Based on information we have received to date from NCAA member institutions, however, we estimate that a total of approximately 3,679,004 Settlement Class Members will receive direct postcard notice and approximately 1,685,981 Settlement Class Members will receive direct notice via email.²

6. Certain costs, such as postage and printing costs, have increased significantly since April 2015. Combined with the increase in the number of Settlement Class Members to whom direct notice will be sent, those increases contributed significantly to the approximately \$452,085.98 increase in Notice costs from the amount estimated in the April 2015 Vasquez Declaration Scenario 2. I have personal knowledge of the matters set forth below and, if called as a witness, could and would testify competently thereto.

I. PHASE I MEDIA CAMPAIGN COSTS

7. As set forth in my December 2016 Declaration, Gilardi incurred \$291,718.00 in implementing the Phase I media campaign. See Resp. to Order Requesting Add'l Detail in Supp. of Settlement Expenses (Dkt. #322) at Ex. A, Decl. of R. Christman (hereinafter "Christman Decl.") ¶ 6. As I explained in my December 2016 Declaration, the costs of implementing the Phase I media campaign increased approximately \$41,973 over the \$249,745 estimate set forth in the April 2015 Vasquez Declaration due to increases to the publication notice content approved by the Court, requiring that the notice be published in larger sizes, and due to increases in vendor costs. See id.

II. INCURRED DIRECT NOTICE AND ADMINISTRATION COSTS AS OF

² The estimated reach is likely to be approximately 85%. See Declaration of Alan Vasquez (Dkt. #329-1) at 11.

JANUARY 20, 2017

8. Gilardi has incurred \$1,001,012.73 in direct notice costs and administration costs during the Covered Period. Of those costs, \$834,290.76 were for tasks that were addressed in the April 2015 Vasquez Declaration. \$166,721.97 were for tasks that were not addressed in the April 2015 Vasquez Declaration. The costs that were not addressed in the April 2015 Vasquez Declaration primarily consist of project management costs that Gilardi has incurred (\$72,456.25), Gilardi's charges for advising on the Phase I media campaign (\$45,445.00) and costs associated with setting up a toll free line that Settlement Class Members can call with questions about the Settlement (\$22,917.47).

A. Incurred Direct Notice Costs

9. To date, direct notice has been sent to 2,177,545 physical addresses and 997,906 email addresses. The costs associated with providing that direct notice are as follows:

- a. First Round Email Notice (\$20,956.03) (taken with Second Round Email Notice Estimate, discussed *infra* at ¶ 12.a, is expected to total \$35,405.60, a \$4,955.60 increase from April 2015 Vasquez Declaration Scenario 2 (\$30,450)): On January 9, 2017, direct notice was sent to 997,906 email addresses. While the unit rate of \$.021 per email has not changed since the April 2015 Vasquez Declaration, the total estimated expense (when combining actual incurred costs with projected costs) has increased over the amount estimated in the April 2015 Vasquez Declaration as more Settlement Class Member email addresses have been provided by NCAA member institutions than was anticipated.³

³ Scenario 2 of the April 2015 Vasquez Declaration estimated that notice would be sent via email to 1,450,000 Settlement Class Members. See Vasquez Decl. (Dkt. #162) at Ex. 6. As set forth below, we

- b. First Round Email Campaign Management (\$450.00) (no change from April 2015 Vasquez Declaration Scenario 2)⁴: During the Covered Period, Gilardi billed 4.5 hours preparing and verifying email address data, corresponding with the parties to discuss and finalize the email distribution, and corresponding with the email vendor to implement the distribution (e.g., requesting the blast, providing specifications, proofing sample emails, etc.).
- c. Track Email Bouncebacks (\$275.00) (not addressed in April 2015 Vasquez Declaration): During the Covered Period, Gilardi billed 2.75 Hours to tracking records that are unable to be delivered via email. This data is retained for statistical reporting as necessary.⁵
- d. Updating Settlement Class Member Addresses Using National Change of Address Database (“NCOA Update”); (taken with Second Round NCOA Update, discussed *infra* at ¶ 12.d, is expected to total \$5,153.00, a \$4,358 increase from April 2015 Vasquez Declaration Scenario 2 (\$795)): The First Round Postcard mailing list was updated using the National Change of Address Database maintained by the U.S. Postal Service. The total cost (when combining actual incurred costs with projected costs) is expected to be greater than estimated in the April 2015 Vasquez Declaration due to an increase in cost structure.
- e. First Round Postcard Mailing Print Cost (\$76,214.08) (taken with Second Round

estimate that email will be sent to a total of 1,685,981 Settlement Class Members. See disc. infra at ¶ 12.a.

⁴ The 2015 Vasquez Declaration estimated an expense of \$900 for Email Campaign Management. In this declaration, this estimated expense has been divided equally between the First Round and Second Round Email Notice campaigns.

⁵ The total cost of tracking email bouncebacks in this Declaration is \$475 less than in my December 2016 Declaration. This is due to refined projections as discussed in footnote 1 above.

Postcard Mailing Print Cost, discussed *infra* at ¶ 12.e, is expected to total \$128,765.15, an \$81,683.15 increase from April 2015 Vasquez Declaration Scenario 2 (\$47,082)): On January 9, 2017, direct notice was sent to 2,177,545 physical addresses. The total cost of printing postcard notice (when combining actual incurred costs with projected costs) is expected to be \$81,683.15 more than was estimated in the April 2015 Vasquez Declaration. This increase is because more Settlement Class Member physical addresses have been provided by NCAA member institutions than was anticipated⁶ and because print and mailing rates have increased from \$.016 per unit to \$.035 per unit since April 2015.

- f. First Round Postcard Mailing Print Production (\$800.00) (taken with Second Round Postcard Mailing Print Production, discussed *infra* at ¶ 12.f, is expected to total \$1,600, a \$250.00 increase from April 2015 Vasquez Declaration Scenario 2 (\$1,350)): During the Covered Period, Gilardi billed eight hours for correspondence with the parties to discuss and finalize the postcard mailing and with the print vendor to implement the mailing (e.g., request placement, provide specifications, proof documents, etc.). The April 2015 Vasquez Declaration estimated 15 hours of print production management. This contemplated a single mailing of 2,900,000 postcards. When combined with the Second Round Postcard Mailing, Gilardi anticipates that 3,679,004 postcards will be mailed requiring a total of 16 hours of production time, slightly more than was anticipated in April 2015.

⁶ Scenario 2 of the April 2015 Vasquez Declaration estimated that direct notice would be sent via U.S. mail to 2,900,000 million Settlement Class Members. See Vasquez Decl. (Dkt. #162) at Ex. 6. As set forth below, we estimate that direct notice will be sent via U.S. mail to approximately 3,679,004 Settlement Class Members. See disc. *infra* at ¶12.e.

- g. First Round Postcard Mailing Postage Cost (\$696,814.40) (taken with Second Round Postcard Mailing Postage Cost, discussed *infra* at ¶ 12.g, is expected to total \$1,177,281.28, a \$429,081.28 increase from the April 2015 Vasquez Declaration Scenario 2 (\$748,200)): This is calculated at \$0.32 per postcard mailed. The total cost of postage for direct notice (when combining actual incurred costs with projected costs) is expected to be \$429,081.28 more than was estimated in Scenario 2 of the April 2015 Vasquez Declaration. This increase is due in part to more Settlement Class Member physical addresses being provided by NCAA member institutions than was anticipated and in part to a change in Gilardi's billed postage rates from \$.258 to \$.32 since April 2015.

B. Incurred Administration Costs

10. The administration costs incurred to date are as follows:
- a. Software Management and System Maintenance (\$3,106.25) (not addressed in April 2015 Vasquez Declaration): Gilardi operates proprietary software that is customizable for the individual needs of each case. This software houses both the Settlement Class Member contact information submissions from NCAA member institutions ("Schools") as well as individual data submissions by Class Members from the Settlement Website or which have been submitted to Gilardi by individual Class Members via email or written correspondence. During the Covered Period, Gilardi billed 24.75 hours to this task.
- b. Document Formatting (\$2,448.75) (not addressed in April 2015 Vasquez Declaration): During the Covered Period, Gilardi billed 20.38 hours to format documents to be posted on the Settlement Website and the postcard notice for

mailing to Settlement Class Members.⁷

- c. Project Management (\$72,456.25) (not addressed in April 2015 Vasquez Declaration): During the Covered Period, Gilardi billed 345.75 hours to project management. This includes time billed for communications with the parties; project planning (review of court documents, creation of timeline and task list, and internal communication to ensure necessary tasks are understood and calendared) and oversight to ensure said tasks are performed; quality control performed by Gilardi's Compliance team to ensure compliance with applicable law and performed by the Case Management team to ensure tasks such as claimant communication and opt-out processing are being completed satisfactorily; and the day-to-day maintenance of the project as a whole. It also includes time billed for coordinating with the Program Administrator in preparation to transfer the toll free line and website after the date of Final Approval.⁸
- d. Data Preparation (\$17,613) (taken with projected Data Preparation, discussed *infra* at ¶ 13.d, is expected to total \$32,473, a \$27,973 increase from the April 2015 Vasquez Declaration Scenario 2 (\$4,500)): First Round direct notice included records from 578 Schools. Gilardi billed 140.5 hours to Data Preparation. As set forth in my December 2016 Declaration, Gilardi created a Census Template to streamline the collection, consolidation and normalization of

⁷ This is \$75.00 more than in my December 2016 Declaration as additional time was billed between November 30, 2016 (the billing cutoff for my December 2016 Declaration) and January 20, 2017 (the end of the Covered Period).

⁸ This is \$5,100 more than in my December 2016 Declaration as additional time was billed between November 30, 2016 (the billing cutoff for my December 2016 Declaration) and January 20, 2017 (the end of the Covered Period)

Settlement Class Member contact information. See Christman Decl. (Dkt. #322)

¶ 10(b). As of December 2016, almost one-half of the data submissions received from Schools, however, were provided in a format different from the Census Template. See id. As a result, Gilardi has had to manually re-format each non-standard data submission to fit the Census Template. See id. Although the April 2015 Vasquez Declaration did address basic data processing costs, we did not anticipate receiving a high percentage of non-standard data submissions that would require manual re-formatting. The manual re-formatting substantially increased the costs for this task. An additional 9.8 hours have been billed during the Covered Period in preparation for the final mailing.⁹

- e. Staff Hours Providing Customer Service Support to NCAA Schools (\$2,050) (not addressed in April 2015 Vasquez Declaration)¹⁰: Gilardi billed a total of 47 hours during the Covered Period providing customer service support to Schools. Gilardi handled approximately 775 calls and emails (“Interactions”) with Schools, responding to questions regarding the scope of the request for Settlement Class Members and technical questions regarding uploading the requested data.
- f. Website Development (\$17,581.25) (\$16,081.25 increase from April 2015 Vasquez Declaration Scenario 2 (\$1,500)): During the covered period, Gilardi billed 113 hours to website development. This work produced two websites, the Settlement Website (which contains both static and dynamic content) and the

⁹ The cost of Data Preparation was combined with the total actual and projected cost for NCOA Updates in my December 2016 Declaration. Once the NCOA Updates are removed, the incurred cost for Data Preparation in my December 2016 Declaration would total \$14,663. The \$17,613 is \$2,980 more than in my December 2016 Declaration as additional time was billed between November 30, 2016 (the billing cutoff for my December 2016 Declaration) and January 20, 2017 (the end of the Covered Period)

Upload Website (which allows NCAA member institutions to upload files to a secure location). Only the expenses associated with the Settlement Website were addressed in the April 2015 Vasquez Declaration. The expenses associated with building, testing, and launching interactive content on the NCAA Upload website were not addressed. As such, this expense is greater than the 2015 Vasquez Declaration.

- g. Website Maintenance (\$200.00) (not addressed in April 2015 Vasquez Declaration): During the Covered Period, Gilardi billed two hours to website maintenance. This includes time for posting of additional court documents to the Settlement Website and for regularly downloading Settlement Class Member contact information from the NCAA Upload site.
- h. Server Space Rental for Settlement Website and NCAA Upload Website (\$200.00) (not addressed in April 2015 Vasquez Declaration): This cost reflects the expense of renting server space for the Settlement Website and NCAA Upload Website from December 2016 – January 2017.
- i. Opt-Out/Objection Processing (\$550.00) (not addressed in April 2015 Vasquez Declaration): During the Covered Period, Gilardi processed over 100 opt-out requests. Each request for exclusion is manually opened, scanned, and keyed into Gilardi's tracking system.
- j. Correspondence Processing (\$3,117.00) (not addressed in April 2015 Vasquez Declaration): During the Covered Period, Gilardi billed 31.17 hours to Correspondence Processing. This includes staff hours for responding to written

correspondence from Class Members, either via email or U.S. Mail.¹¹

- k. Weekly Statistic Reporting (\$500.00) (not addressed in April 2015 Vasquez Declaration): During the Covered Period, Gilardi billed five hours to weekly statistic reporting. This includes time spent to produce weekly statistical reporting for the parties on the number of Schools that have submitted Settlement Class Member contact information, a preliminary count of records uploaded, volume of “stay informed” requests received via the Settlement Website, opt-out requests and objections received, returned undeliverable mail (“RUM”) reporting (volume scanned, searched and re-mailed), and the number of calls to the Settlement toll free line.
- l. Declarations (\$13,856.25) (not addressed in April 2015 Vasquez Declaration): During the Covered Period, Gilardi billed 140 hours to produce three highly detailed declarations executed on September 5, 2014, April 14, 2015 and December 23, 2016, respectively. See Mot. for Approval of Notice Plan (Dkt. #84) at Ex. A; Vasquez Decl. (Dkt. #162); Christman Decl. (Dkt. #322).
- m. Toll Free Line Set Up (\$3,750.00) (not addressed in April 2015 Vasquez Declaration): This is Gilardi’s standard charge for the initial setup of the toll free line Settlement Class Members can call with questions about the Settlement. The cost includes hours billed reserving a toll-free number as well as the setup, testing, and launching of the phone system.
- n. Toll Free Line Script Management (\$750.00) (not addressed in April 2015

¹¹ The cost of correspondence processing was combined with the estimated costs of Customer Support in my December 2016 Declaration (¶ 11(k)). These costs were isolated when the incurred costs were updated to reflect costs incurred through the end of the Covered Period.

Vasquez Declaration): During the Covered Period, Gilardi billed 7.5 hours to draft, review, and record the script for the Interactive Voice Recording (“IVR”) system on the toll free line. This cost includes hours billed to provide regular updates to the script used by live operators and to communicate such updates to the call center.

- o. Toll Free Line Charges (\$18,417.47) (not addressed in April 2015 Vasquez Declaration): During the Covered Period, the toll free line set up for this Settlement received 1,796 calls representing 12,448 minutes of phone time (an average of 6.9 minutes per call). Where live operator support is provided, calls are routinely billed at \$.18/min IVR Line Fees for all calls, plus an additional \$1.25/min Live Operator Line Fee + \$.18/min IVR Transfer Fee for all calls transferred to a live operator. Where calls are handled by the case management team outside of the IVR system (such as where a Settlement Class Member calls our company directly and not through the designated Settlement phone number) and/or where outbound calls are placed by Customer Service Representatives (“CSR”) (such as when the parties’ counsel provides us with contact information from a Settlement Class Member for us to contact), those hours billed are added to the Live Operator Line Fees.
- p. Expert Services Media Campaign (\$45,445.00) (not addressed in April 2015 Vasquez Declaration): During the Covered Period, Gilardi billed 250.5 hours for coordination of the publication notice campaign along with research, expert testimony, consultation with the parties, and travel to a court hearing in support of the proposed Notice Plan. The majority of the billed hours were spent working

with counsel on various direct notice scenarios which in turn required multiple revisions and iterations of the notice declaration in support of preliminary approval. As the number of records available for direct notice was unknown at the time and no outreach had yet taken place, Gilardi was asked to estimate direct notice costs for the multiple scenarios in order to determine how much supplemental notice would be needed. Each scenario required individual research regarding supporting media as well as individual reach calculations to ensure the plan met the Court's standards. At the request of the parties, Gilardi sent Alan Vasquez to attend a hearing to respond to any questions the Judge may have had regarding the notice plan and (if necessary) to provide expert testimony.

III. PROJECTED DIRECT NOTICE AND ADMINISTRATION COSTS

11. Based on its analysis of costs to date, Gilardi expects projected direct notice and administration costs will total \$842,649.49. Of those costs, \$758,746.48 are for tasks that were addressed in the April 2015 Vasquez Declaration. \$83,903.01 are for tasks that were not addressed in the April 2015 Vasquez Declaration.

A. Projected Direct Notice Costs

12. Gilardi estimates projected direct notice costs of \$741,186.48. Those costs are as follows:

- a. Second Round Email Notice (\$14,449.58) (addressed in April 2015 Vasquez Declaration, see disc. supra ¶ 9.a for total First and Second Round Email Costs):
On January 9, 2017, direct notice was sent via email to 997,906 Settlement Class Members. This represents 46% of the Settlement Class Members to whom a postcard mailing was sent. Gilardi extrapolates that with the Second Round

Postcard Mailing, a total of 3,679,004 postcards will be mailed (see disc. *infra* ¶ 12.e). Assuming that email addresses will be available for approximately 46% of Settlement Class Members who receive a postcard mailing in the second round, Gilardi extrapolates that notice will be sent via email to a total of 1,685,981 Settlement Class Members. Subtracting the 997,906 emails that were sent on January 9, 2017, this leaves 688,075 estimated records to email in the Second Round Email Notice.

- b. Second Round Email Campaign Management (\$450.00) (consistent with April 2015 Vasquez Declaration)¹²: This includes hours billed for preparing and verifying email address data, correspondence with the parties to discuss and finalize the email distribution, and correspondence with the email vendor to implement the blast (e.g., request placement, provide specifications, proof sample emails, etc.).
- c. Track Email Bouncebacks (\$250.00) (not addressed in April 2015 Vasquez Declaration): Gilardi tracks the volume of records that are unable to be delivered via email. This data will be retained for statistical reporting as necessary. The expenses associated with this service were not addressed in the 2015 Vasquez Declaration.¹³
- d. Second Round NCOA Update (addressed in April 2015 Vasquez Declaration, see disc. *supra* at ¶ 9.d, for total First and Second Round NCOA Update Costs): The

¹² The 2015 Vasquez Declaration estimated an expense of \$900 for Email Campaign Management. In this declaration, this estimated expense has been divided equally between the First Round and Second Round Email Notice campaigns.

¹³ The total cost (when combined with the incurred amount discussed in ¶9.c above) is \$475.00 less than in my December 2016 Declaration due to refined projections as discussed in footnote 1 above.

Second Round Postcard mailing list will be updated using the National Change of Address Database maintained by the U.S. Postal Service. The total cost (when combining actual incurred costs with projected costs) is expected to be greater than estimated in the April 2015 Vasquez Declaration due to an increase in cost structure.

- e. Second Round Postcard Mailing Print Costs (\$52,551.07) (addressed in April 2015 Vasquez Declaration, see disc. supra ¶ 9.e for total First and Second Round Postcard Mailing Print Cost): As of February 3, 2017, Gilardi had received Settlement Class Member Contact Information from 991 NCAA Schools that provided a total of 3,867,137 records. This is an average of approximately 3,902 records per school. Using this average, Gilardi extrapolates that there will be approximately 507,293 additional records provided should the remaining 130 Schools submit Settlement Class Member contact information. This would total 4,374,430 records for all Schools combined. In preparing data for the First Round direct notice mailing, Gilardi removed 16% of the records submitted because they were either duplicative or had invalid mailing and/or email addresses. Using this same percentage, Gilardi extrapolates that it will send postcard notice via U.S. mail to a total of 3,679,004 physical addresses. Subtracting the 2,177,545 postcards that were mailed on January 9, 2017, this leaves an estimated 1,501,459 postcards to mail in the Second Round Postcard Mailing.
- f. Second Round Postcard Mailing Print Production (\$800) (not addressed in April 2015 Vasquez Declaration): We estimate that print production of the Second Round Postcard Mailing will require approximately eight hours of management.

This includes hours billed for correspondence with the parties to discuss and finalize the mailing and with the print vendor to implement the mailing (e.g., request placement, provide specifications, proof documents, etc.). The 2015 Vasquez Declaration estimated 15 hours for print production management based on a single mailing of 2,900,000 postcards. We anticipate mailing a total of 3,679,004 postcards.

- g. Second Round Postcard Mailing, Postage Cost (\$480,466.88) (addressed in April 2015 Vasquez Declaration, see disc. supra ¶ 9.g for total First and Second Round Postcard Mailing Postage Costs): This is calculated at \$0.32 per postcard mailed. The total amount is an increase over the amount estimated in the 2015 Vasquez Declaration because more Settlement Class Member physical addresses have been provided by NCAA member institutions than was anticipated. In addition, Gilardi's billed postage rates have increased from \$.258 to \$.32 since April 2015.
- h. RUM Scanning (\$37,002.50) (\$2,202.50 increase over April 2015 Vasquez Declaration Scenario 2 (\$34,800)): As of February 15, 2017, Gilardi has received and electronically recorded through a barcode scan 182,510 pieces of RUM. This represents 8.38% of the January 9, 2017 direct notice mailing. Applying this same percentage to the estimated Second Round Mailing quantity (1,501,459), and allowing for a variable to account for the fact that not all RUM has been received, Gilardi estimates that the total RUM for the First and Second Round Postcard Mailing combined will be 370,025. Though the overall quantity of RUM has decreased from what was anticipated in the April 2015 Vasquez Declaration due to an increase in RUM scanning rates from \$.04 to \$.10 since

2015, the estimated expense of RUM Scanning has increased slightly from the estimate in the April 2015 Vasquez Declaration.

- i. RUM Searches (\$74,005) (\$99,995 decrease from April 2015 Vasquez Declaration Scenario 2 (\$174,000)): This is calculated at \$0.20 per search as in the 2015 Vasquez Declaration. Due to the decreased percentage of RUM, the estimated expense for RUM Searches has decreased significantly.
- j. RUM Re-mails, Print Costs (\$14,616.03) (\$5,533.03 increase from April 2015 Vasquez Declaration Scenario 2 (\$9,083)): This assumes that 50% of RUM Searches will return an updated address. Though the overall quantity of RUM has decreased from what was anticipated in the April 2015 Vasquez Declaration, the estimated expense of RUM re-mails has increased over the April 2015 Vasquez Declaration because RUM re-mail costs have increased from \$.021 to \$.079.
- k. RUM Re-mails, Postage Costs (\$62,904.42) (\$49,325.58 decrease from April 2015 Vasquez Declaration Scenario 2 (\$112,230)): This is calculated at \$0.34 per postcard mailed. While the unit rate has increased due to an increase in Gilardi's billed postage rates from \$.258 to \$.34 since April 2015, the overall estimated expense has decreased significantly from the 2015 Vasquez Declaration due to the decreased percentage of RUM.
- l. Staff Hours Performing RUM and Re-mail Services (\$2,000) (\$1,600 decrease from April 2015 Vasquez Declaration Scenario 2 (\$3,600)): Due to the decreased percentage of RUM, we have reduced the estimated staff hours from 50 to 20

from the April 2015 Vasquez Declaration¹⁴.

B. Projected Administration Costs

13. Gilardi estimates projected administrative costs of \$101,463.01. Those costs are as follows:

- a. Software Management and System Maintenance (\$1,893.75) (not addressed in 2015 Vasquez Declaration): Based on the amounts previously billed in this case (\$3,106.25), it is estimated that Gilardi will require an additional 18.94 hours through completion of the case to perform periodic updates to the software.
- b. Document Formatting (\$51.25) (not addressed in 2015 Vasquez Declaration): It is estimated that Gilardi will require .50 hours through the close of this case to format documents that may need to be posted to the Settlement Website.¹⁵
- c. Project Management (\$59,900) (not addressed in April 2015 Vasquez Declaration): This estimate includes time to be billed for communications with the parties; project planning and oversight; quality control; and the day-to-day maintenance of the project as a whole. It also includes time to be billed for coordinating with the Program Administrator in preparation to transfer the toll free line and Settlement Website after the date of Final Approval, as well as fulfilling requests from the parties to facilitate the Medical Monitoring Program, such as identifying Settlement Class

¹⁴ The current estimate for RUM scanning, searching, and re-mailing is \$190,527.95. This is \$270,503.05 less than in my December 2016 Declaration due to refined projections as discussed in footnote 1 above.

¹⁵ This is \$75.00 less than in my December 2016 Declaration as time was billed between November 30, 2016 (the billing cutoff for my December 2016 Declaration) and January 20, 2017 (the end of the Covered Period), resulting in a reduction of additional estimated time necessary.

Member locations by zip code.¹⁶

- d. Data Preparation (\$14,860) (addressed in April 2015 Vasquez Declaration, see disc. supra ¶ 10.d for total Data Preparation Costs): As discussed in ¶ 12(e) above, Gilardi expects to receive Census Data from 130 additional Schools that had not yet submitted Settlement Class Member contact information as of February 3, 2017. In addition, data re-formatting work has not been completed for 413 Schools that have submitted Settlement Class Member contact information. Assuming that 100% of Schools ultimately submit Settlement Class Member contact information, this leaves 543 School submissions to process and prepare for mailing. Based on the time spent preparing the First Round direct notice mailing, Gilardi estimates it will require approximately 148.6 hours to process Settlement Class Member contact information for the Second Round Postcard Mailing.¹⁷
- e. Staff Hours Providing Customer Service Support to NCAA Member Institutions (\$750.00) (not addressed in 2015 Vasquez Declaration): As of January 31, 2017, Gilardi billed a total of 47 hours providing customer service support to Schools. In this time, Gilardi handled approximately 775 Interactions with Schools, averaging 3.64 minutes per Interaction. With 130 Schools yet to submit Settlement Class Member contact

¹⁶ This is \$5,100.00 less than in my December 2016 Declaration as time was billed between November 30, 2016 (the billing cutoff for my December 2016 Declaration) and January 20, 2017 (the end of the Covered Period), resulting in a reduction of additional estimated time necessary.

¹⁷ The current estimate is \$4,926 less than in my December 2016 Declaration due to refined projections as discussed in footnote 1 above.

information as of February 3, 2017, Gilardi extrapolates that roughly 122 additional Interactions will be required through the close of this case (should all Schools submit Settlement Class Member contact information).

- f. Website Maintenance for Two Websites (\$2,500) (not addressed in April 2015 Vasquez Declaration): This includes hours billed for posting of court documents to the Settlement Website, updating the information found on the Settlement Website home page and Frequently Asked Questions page to ensure that the content is current, updating the NCAA Upload site as necessary, and regular downloads from the NCAA Upload site. It also includes hours necessary for the transfer of the Settlement Website domain to Garretson after the Effective Date. Only the expenses associated with the static website were referenced in the 2015 Vasquez Declaration. The expenses associated with transferring the domain to Garretson were not addressed, nor were the expenses associated with the NCAA Upload site. As such, this expense is greater than the 2015 Vasquez Declaration.¹⁸
- g. Server Space Rental for Settlement Website (\$250.00) (not addressed in April 2015 Vasquez Declaration): It is anticipated that the Settlement Website will be transferred to Garretson after the Effective Date, which may occur as early as June 18, 2017 (14 days after the May 5, 2017 Final

¹⁸ My December 2016 Declaration assumed the Settlement Website would be maintained for an additional 58 months beyond December 2016. This has been reduced to 5 months as discussed in ¶12.g above. As the length of months has been reduced, the necessary hours for website maintenance has been reduced accordingly, resulting in a decrease from \$5,800 to \$2,500. This is greater than the hours actually incurred as it also includes hours necessary to transfer the domain to Garretson.

Approval Hearing). This cost is calculated at \$50 for each month between February 2017 and the domain transfer.

- h. Server Space Rental for NCAA Upload Website (\$200.00) (not addressed in April 2015 Vasquez Declaration): It is anticipated that the NCAA Upload Website will be shut down in May 2017. This cost is calculated at \$50 for each month between February 2017 and May 2017.

- i. Opt-Out/Objection Processing (\$3,250.00) (not addressed in April 2015 Vasquez Declaration): As of February 15, 2017, Gilardi has processed 375 opt-outs representing .012% of the combined First Round Postcard Mailing and First Round Email Notice (“First Round Outreach”). Applying this percentage to the estimated “Total Outreach” (First Round Outreach plus estimated Second Round Postcard Mailing plus Second Round Email Notice) and allowing for a variable to account for the fact that not all opt-outs have been received, Gilardi estimates a total of 760 opt-outs will be received through the end of this case. Each request for exclusion must be manually opened, scanned, and keyed into the system. This takes on average three minutes per opt-outs. After subtracting the 5.5 hours addressed in ¶ 10.i above, the estimated remaining time necessary to process opt-outs is 32.5 hours.¹⁹

- j. Correspondence Processing (\$2,883) (not addressed in April 2015 Vasquez Declaration): This cost includes staff hours for responding to written correspondence from Class Members, either via email or U.S.

¹⁹ The current estimate is \$1,200 less than in my December 23, 2016 Declaration due to refined projections as discussed in footnote 1 above.

Postal Mail. As of February 3, 2017, Gilardi has handled a total of 623 pieces of correspondence from Class Members representing .0196% of the First Round Outreach. Applying this percentage to the Total Outreach and allowing for a variable to account for the fact that not all correspondence has been received, Gilardi estimates a total of 1,263 pieces of correspondence will be handled through the end of this case. Each piece of correspondence takes, on average, three minutes to handle. After subtracting the 31.17 hours addressed in ¶ 10(j) above, the estimated remaining time necessary to handle correspondence is 28.83 hours.

- k. Weekly Statistics Reports (\$1,250) (not addressed in April 2015 Vasquez Declaration): As of January 20, 2017, Gilardi produced 18 weekly statistic reports, and expects to produce an additional 17 through the end of May 2017. Assuming .50 hours per report, this totals 17.5 hours. After subtracting the five hours addressed in ¶ 10(k) above, the estimated remaining time necessary to produce weekly statistic reports is 12.5 hours²⁰.
- l. Declarations (\$2,500) (not addressed in April 2015 Vasquez Declaration): On average, declarations require 25 hours to complete. Gilardi anticipates completion of one additional declaration in support of Final Approval.
- m. Telephone Support to Settlement Class Members, Script Management (\$750.00) (not addressed in April 2015 Vasquez Declaration): On average, a case with either a pre-recorded Frequently Asked Questions

²⁰ The cost of weekly statistic reporting was combined with the estimated costs of Declarations in my December 2016 Declaration (¶ 10(h)). These costs have been split out in this declaration.

script (“FAQ Script”) or with live operators using a “CSR Script” will require 15 hours of script management. This time is used to update either the FAQ Script, CSR Script or both to ensure callers are provided with the most up-to-date information on the case. Gilardi has billed 7.5 hours to script management (addressed in ¶ 10(n) above) and anticipates an additional 7.5 hours will be necessary through the completion of the case.

n. Telephone Support to Settlement Class Members, Call Handling

(\$7,935.01) (not addressed in April 2015 Vasquez Declaration): As of January 20, 2017, the toll free line set up for this case has received 1,796 calls. Of these, 553 (31% of overall calls) have been transferred to a CSR. These calls represent 12,448 minutes of phone time (an average of 6.9 minutes per call). These 1,796 calls represent .0565% of the First Round Outreach. Applying this percentage to the Total Outreach and allowing for a variable to account for the fact that calls continue to be received, Gilardi estimates that an additional 1,845 calls will be received through the end of this case. Applying the average of 6.9 minutes per call, this totals an estimated 12,731 additional minutes through the end of this case. Where live operator support is provided, calls are billed at \$.18/min IVR Line Fees for all calls, plus an additional \$1.25/min Live Operator Line Fees + \$.18/min IVR Transfer Fee for all calls transferred to a live operator. If live operators remain available, this will total an estimated \$2,291.58 in IVR Line Fees, \$4,933.07 in Live Operator Line Fees, and

\$710.36 in IVR Transfer Fees through the end of this case.²¹

- o. Telephone Support to Settlement Class Members, Handling Long Form Notice Requests (\$2,490.00) (not addressed in April 2015 Vasquez Declaration): As of February 3, 2017, Gilardi has handled a total of 44 requests for Long Form Notices to be mailed to Class Members representing .00139% of the First Round Outreach. Applying this percentage to the Total Outreach and allowing for a variable to account for the fact that not all Long Form Notice Requests have been received, Gilardi estimates a total of 89 Long Form Notice Requests will be handled through the end of this case. Out of an abundance of caution, Gilardi recommends increasing this estimate to 1,000 Long Form Notice Requests to account for any unexpected spikes in volume. Long Form Notice Requests are mailed in small batches and are mailed at the full postage rate of \$.49. Assuming that we receive 1,000 Long Form Notice Requests, we estimate that only five hours in print production management will be required.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this 3rd day of March, 2017.



Rachel Christman

²¹ Where live operator support is not provided, calls are billed at \$.18/min. If live operator support is removed (and once all incurred live operator costs have been accounted for), the estimated IVR Line Fees through the end of this case would be \$2,291.58.

EXHIBIT A**Actual Costs incurred between 8/24/14 and 1/20/17¹****Incurred Direct Notice Costs**

<u>TASK</u>	<u>QUANTITY</u>	<u>UNIT</u>	<u>RATE</u>	<u>AMOUNT</u>	<u>DECLARATION REFERENCE</u>
First Round Email Notice	997,906	Units	\$0.021	\$20,956.03	¶9.a.
First Round Email Campaign Management	4.50	Hours	\$100.00	\$450.00	¶9.b.
Track/Manage Bouncebacks	2.75	Hours	\$100.00	\$275.00	¶9.c.
NCOA Address Updates	1.00	Units	\$5,153.00	\$5,153.00	¶9.d.
First Round Postcard Mailing – Print Cost	2,177,545	Units	\$0.035	\$76,214.08	¶9.e.
First Round Postcard Mailing - Print Production	8.00	Hours	\$100.00	\$800.00	¶9.f.
First Round Postcard Mailing – Postage Cost	2,177,545	Units	\$0.32	\$696,814.40	¶9.g.
Subtotal - Incurred Direct Notice Costs				\$800,662.51	

¹ Does not include costs of Phase 1 Media Campaign (\$291,718).

Incurred Administration Costs

<u>TASK</u>	<u>QUANTITY</u>	<u>UNIT</u>	<u>RATE</u>	<u>AMOUNT</u>	<u>DECLARATION REFERENCE</u>
Software Management and System Maintenance	24.75	Hours	Blended	\$3,106.25	¶10.a.
Document Formatting	18.25	Hours	Blended	\$2,448.75	¶10.b.
Project Management	345.75	Hours	Blended	\$72,456.25	¶10.c.
Staff Hours for Data Preparation	150.25	Hours	Blended	\$17,613.00	¶10.d.
Staff Hours Providing Customer Service Support to Institutions	47.00	Hours	Blended	\$2,050.00	¶10.e.
Website Development	113.00	Hours	Blended	\$17,581.25	¶10.f.
Website Maintenance	2.00	Units	\$100.00	\$200.00	¶10.g.
Server Space Rental: Settlement Website and NCAA Upload Site	4.00	Months	\$50.00	\$200.00	¶10.h.
Opt-out/Objection Processing	5.50	Hours	\$100.00	\$550.00	¶10.i.
Correspondence Processing	31.17	Hours	\$100.00	\$3,117.00	¶10.j.
Weekly Statistic Reporting	5.00	Hours	\$100.00	\$500.00	¶10.k.
Declarations	140.00	Hours	Blended	\$13,856.25	¶10.l.
Toll Free Phone Line Setup	1.00	Units	\$3,750.00	\$3,750.00	¶10.m.
Toll Free Phone Line Script Management	7.5	Hours	\$100.00	\$750.00	¶10.n
Toll Free Phone Line Charges:					
• Interactive Voice Recording (IVR) Line Charges	12,448	Minutes	\$0.18	\$2,240.64	¶10.o.
• IVR Transfer Fee	3,816	Minutes	\$0.18	\$686.83	¶10.o.
• Live Operators	154.90	Hours	\$100.00	\$15,490.00	¶10.o.
Expert Services Media Campaign	250.50	Hours	Blended	\$45,445.00	¶10.p.
Subtotal - Incurred Administration Costs				\$202,041.22	

Total Actual Incurred Costs: \$1,002,703.73

Projected Costs to Completion**Projected Direct Notice Costs**

<u>TASK</u>	<u>QUANTITY</u>	<u>UNIT</u>	<u>RATE</u>	<u>AMOUNT</u>	<u>DECLARATION REFERENCE</u>
Second Round Email Notice	688,075	Units	\$0.021	\$14,449.58	¶12.a.
Second Round Email Campaign Management	4.50	Hours	\$100.00	\$450.00	¶12.b.
Track/Manage Bouncebacks	2.50	Hours	\$100.00	\$250.00	¶12.c.
Second Round Postcard Mailing – Print Cost	1,501,459	Units	\$0.035	\$52,551.07	¶12.e.
Second Round Postcard Mailing - Print Production	8.00	Hours	\$100.00	\$800.00	¶12.f.
Second Round Postcard Mailing – Postage Cost	1,501,459	Units	\$0.32	\$480,466.88	¶12.g.
Return Undeliverable Mail (RUM) Scanning	370,025	Units	\$0.10	\$37,002.50	¶12.h.
RUM Searches	370,025	Units	\$0.20	\$74,005.00	¶12.i.
RUM Re-mails – Print Costs	185,013	Units	\$0.079	\$14,616.03	¶12.j.
RUM Re-mails – Postage	185,013	Units	\$0.34	\$62,904.42	¶12.k.
Staff Hours Performing RUM & Re-mail Services	20.00	Hours	\$100.00	\$2,000.00	¶12.l.
Subtotal - Projected Direct Notice Costs				\$739,495.48	

Projected Administration Costs

<u>TASK</u>	<u>QUANTITY</u>	<u>UNIT</u>	<u>RATE</u>	<u>AMOUNT</u>	<u>DECLARATION REFERENCE</u>
Software Management and System Maintenance	18.94	Hours	\$100.00	\$1,893.75	¶13.a.
Document Formatting	0.51	Hours	\$100.00	\$51.25	¶13.b.
Project Management	599.00	Hours	\$100.00	\$59,900.00	¶13.c.
Staff Hours Processing Data	148.6	Hours	\$100.00	\$14,860.00	¶13.d.
Staff Hours Providing Customer Service Support to Institutions	7.50	Hours	\$100.00	\$750.00	¶13.e.
Website Maintenance for Two Websites	25	Units	\$100.00	\$2,500.00	¶13.f.
Server Space Rental for Settlement Website	5	Months	\$50.00	\$250.00	¶13.g.
Server Space Rental for NCAA Upload Site	4	Months	\$50.00	\$200.00	¶13.h.
Opt-out/Objection Processing	32.50	Hours	\$100.00	\$3,250.00	¶13.i.
Correspondence Processing	28.83	Hours	\$100.00	\$2,883.00	¶13.j.
Weekly Statistic Reports	12.50	Hours	\$100.00	\$1,250.00	¶13.k.
Declarations	25.00	Hours	\$100.00	\$2,500.00	¶13.l.
Telephone Support to Settlement Class Members, Script Management	7.50	Hours	\$100.00	\$750.00	¶13.m.
Toll Free Phone Line Charges:					
• Interactive Voice Recording (IVR) Line Charges	12,731	Minutes	\$0.18	\$2,291.58	¶13.n.
• IVR Transfer Fee	3,946	Minutes	\$0.18	\$710.36	¶13.n.
• Live Operators	3,946	Minutes	\$1.25	\$4,933.07	¶13.n.
Telephone Support to Settlement Class Members, Handling Long Form Notice Requests:					
• Long Form Notice Requests – Print Costs	1,000	Units	\$1.50	\$1,500	¶13.o.
• Long Form Notice Requests – Postage	1,000	Units	\$0.49	\$490.00	¶13.o.
• Long Form Notice Requests - Print Production Management	5.00	Hours	\$100.00	\$500.00	¶13.o.
Subtotal - Projected Administration Costs				\$101,463.01	

Total Projected Costs: \$842,649.49**Total Combined Actual and Projected Costs: \$1,843,662.22²**

² This total does not include the Phase 1 Media Campaign costs of \$291,718. Adding the costs of the Phase 1 Media Campaign provides a total of \$2,135,380.21. See Second Declaration of Rachel Christman Regarding Notice Program Expenses at ¶ 3.